

**OPINION
46-95**

March 20, 1946 (OPINION)

ELECTIONS

RE: Precinct Committeemen May Not Act as Election Officers

This will acknowledge the receipt of your letter of March 16, 1946, in which you inquire whether or not a candidate for precinct committeeman is qualified to act as clerk or judge of an election board.

Section 16-1001 of the 1943 Revised Code reads as follows:

"The judges of election, together with the inspector or elections, shall constitute the board of elections. No person shall be a member of the board of elections who:

1. Has anything of value bet or wagered on the result of an election.
2. Is a candidate at an election; or
3. Is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, sister, brother-in-law, or sister-in-law of any candidate at an election."

It is my opinion that any candidate at any election, including a candidate for precinct committeeman, is disqualified from acting as judge or inspector of elections.

A clerk appointed under the provisions of section 16-1012 of the Revised Code is not mentioned in section 16-1001. He is not a member of the election board. And apparently the qualifications prescribed by said section do not apply to him. But as a matter of public policy, it is my opinion that no candidate for any office, including that of precinct committeeman, should function even as a clerk of the board of elections.

NELS G. JOHNSON

Attorney General